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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To prohibit recipients of Federal COVID relief and Federal agencies from engaging in certain conduct that discriminates against individuals who have not been vaccinated against COVID–19, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LAMALFA introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit recipients of Federal COVID relief and Federal agencies from engaging in certain conduct that discriminates against individuals who have not been vaccinated against COVID–19, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Keep Vaccines Vol-  
5       untary Act”.

1 **SEC. 2. DISCRIMINATION BASED ON COVID VACCINATION**  
2 **STATUS.**

3 (a) COVID RELIEF CONDITIONS.—

4 (1) BUSINESSES.—

5 (A) IN GENERAL.—No person or entity  
6 may receive a grant or loan under paragraphs  
7 (36) or (37) of section 7(a) of the Small Busi-  
8 ness Act (15 U.S.C. 636(a)), section 7(b)(2) of  
9 such Act pursuant to section 1110 of the  
10 CARES Act (15 U.S.C. 9009), section 324 of  
11 the Economic Aid to Hard-Hit Small Busi-  
12 nesses, Nonprofits, and Venues Act (Public  
13 Law 116–260), or any subsequent COVID–19  
14 relief package, unless such person or entity cer-  
15 tifies that the person or entity—

16 (i) will not condition providing service  
17 to any individual solely on such individual  
18 having been vaccinated against COVID–  
19 19; and

20 (ii) will not, solely on the basis that  
21 an individual has not been vaccinated  
22 against COVID–19—

23 (I) terminate the employment or  
24 adversely affect the compensation,  
25 terms, conditions, or privileges of em-  
26 ployment of such individual if such in-

1                   dividual is employed by such person or  
2                   entity; or

3                   (II) fail or refuse to hire such in-  
4                   dividual.

5                   (B) APPLICABILITY.—Subparagraph (A)  
6                   shall apply only with respect to agreements for  
7                   grants or loans entered into after the date of  
8                   the enactment of this Act.

9                   (2) INSTITUTIONS OF HIGHER EDUCATION.—

10                  (A) IN GENERAL.—No institution of higher  
11                  education (as defined under section 101 or 102  
12                  of title I of the Higher Education Act of 1965  
13                  (20 U.S.C. 1001 et seq.)) may receive Federal  
14                  funds under section 2003 of the American Res-  
15                  cue Plan of 2021 (Public Law 117–2) or any  
16                  subsequent COVID–19 relief package unless  
17                  such institution certifies that no rule or policy  
18                  that requires any separation of individuals who  
19                  are vaccinated against COVID–19 from individ-  
20                  uals who are not so vaccinated on the property  
21                  of such institution or at the activities of such  
22                  institution will be implemented by such institu-  
23                  tion.

24                  (B) APPLICABILITY.—Subparagraph (A)  
25                  shall apply only with respect to—

1 (i) payments made after the date of  
2 the enactment of this Act; and

3 (ii) grants or loans initially made  
4 after the date of the enactment of this Act.

5 (3) STATE AND LOCAL GOVERNMENTS.—

6 (A) IN GENERAL.—No covered State or  
7 local government may receive a payment under  
8 sections 602 through 605 of title VI of the So-  
9 cial Security Act (42 U.S.C. 801 et seq.) unless  
10 such covered State or local government certifies  
11 that no law, regulation, rule, or policy (other  
12 than a Federal law) that requires any separa-  
13 tion of individuals who are vaccinated against  
14 COVID–19 from individuals who are not so  
15 vaccinated at any public location, business, or  
16 other place of public accommodation will be en-  
17 acted, implemented, or enforced by such covered  
18 State or local government.

19 (B) DEFINITIONS.—In this paragraph:

20 (i) COUNTY; METROPOLITAN CITY;  
21 NONENTITLEMENT UNIT OF LOCAL GOV-  
22 ERNMENT; UNIT OF GENERAL LOCAL GOV-  
23 ERNMENT.—The terms “county”, “metro-  
24 politan city”, “nonentitlement unit of local  
25 government”, and “unit of general local

1 government” have the meaning given such  
2 terms in section 603(g) of title VI of the  
3 Social Security Act (42 U.S.C. 803(g)).

4 (ii) COVERED STATE OR LOCAL GOV-  
5 ERNMENT.—The term “covered State or  
6 local government” means a State, terri-  
7 tory, Tribal government, metropolitan city,  
8 nonentitlement unit of local government,  
9 unit of general local government, or coun-  
10 ty.

11 (iii) PUBLIC ACCOMMODATION.—The  
12 term “public accommodation” has the  
13 meaning given such term in section 301 of  
14 the Americans with Disabilities Act of  
15 1990 (42 U.S.C. 12181).

16 (iv) STATE; TERRITORY; TRIBAL GOV-  
17 ERNMENT.—The terms “State”, “terri-  
18 tory”, and “Tribal government” have the  
19 meaning given such terms in section  
20 602(g) of title VI of the Social Security  
21 Act (42 U.S.C. 802(g)).

22 (C) APPLICABILITY.—Subparagraph (A)  
23 shall apply only with respect to payments made  
24 after the date of the enactment of this Act.

1       (b) FEDERAL EMPLOYMENT.—No Federal agency  
2 (as defined in section 105 of title 5, United States Code)  
3 may condition the appointment of an individual to any po-  
4 sition in the civil or uniformed services (as such terms are  
5 defined in section 2101 of title 5, United States Code)  
6 on such individual being vaccinated against COVID–19.